

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No. 05-11652-WGY

**PLAINTIFF JOHN D. CERQUEIRA'S PRETRIAL  
DISCLOSURES PURSUANT TO RULE 26(a)(3)**

Pursuant to Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(c), Plaintiff John D. Cerqueira discloses the following information regarding the evidence he may present at trial other than solely for impeachment. Plaintiff reserves the right to amend or supplement these disclosures.

- (A) The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.**

\* indicates may be by deposition.

+ indicates may be called if the need arises.

John D. Cerqueira  
Aventura, FL

Barry M. Blumenthal, D.O.\*  
Aventura, FL

Richard S. Faulk, M.D.\*  
Boca Raton, FL

Douglas R. Laird  
Reno, NV

Donald Ball \*+  
Groveland, MA

Ynes Flores \*+  
Lynn, MA

Craig Marquis \*+  
Arlington, TX

Amy Milenkovic \*+  
St. Paul, MN

Lois Sargent \*+  
Salem, MA

Nicole Traer \*+  
Weymouth, MA

Rhonda Cobbs \*+  
Arlington, TX

John Ehlers \*+  
Concord, MA

Sally Walling \*+  
Hampton, NH

Custodian of Records +  
Massachusetts State Police  
Framingham, MA

- (B) The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.**

Plaintiff expects to present the testimony of Drs. Blumenthal and Faulk by videotaped deposition. Plaintiff has listed the pertinent portions of the deposition transcripts on the attached Exhibit A.

- (C) An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.**

Plaintiff expects to offer the exhibits identified on the attached Exhibit B.

**JOHN D. CERQUEIRA**

By his attorneys,

*/s/ Michael T. Kirkpatrick*

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617-307-6100

Dated: November 3, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 3, 2006.

*/s/ Michael T. Kirkpatrick*

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Michael T. Kirkpatrick

**EXHIBIT A**  
**Deposition Designations**

**1. Barry M. Blumenthal, D.O.**  
July 26, 2006

4:5 - 7:11	7:13 - 10:22
10:25 - 12:17	12:24 - 13:17
13:20 - 13:21	13:23 - 13:24
14:3 - 14:4	14:6 - 14:12
14:15 - 14:19	14:22 - 14:24
14:25 - 15:12	15:16 - 15:18
15:20 - 15:22	15:24 - 15:25
16:3 - 16:4	16:6 - 16:10
16:13 - 17:4	17:8 - 17:17

**2. Richard S. Faulk, M.D.**  
July 26, 2006

4:5 - 9:5	9:10 - 10:21
10:24 - 10:25	11:2 - 11:7
11:10 - 12:4	12:11 - 21:7
21:10 - 21:12	21:14 - 22:4
22:6 - 22:18	23:14 - 23:20
23:22 - 24:2	24:5 - 24:23
24:25 - 27:14	27:16 - 28:10
29:10 - 29:23	30:25 - 35:24
36:2 - 39:15	39:17 - 39:19
39:22 - 40:8	40:10 - 40:14
40:17 - 40:18	40:20 - 41:18
41:21 - 41:22	41:24 - 42:11
42:14 - 42:24	

**EXHIBIT B**  
**Exhibit Designations**

ID No.	Description	Deposition No.	Bates No.
P-1	Amended Complaint (Doc. No. 3)		
P-2	Defendant's Answer to Plaintiff's Amended Complaint (Doc. No. 5)		
P-3	American Airlines's Answers to Plaintiff's First Set of Interrogatories	Deposition Exh. 2	
P-4	American Airlines's Supplemental Answers to Plaintiff's First Set of Interrogatories		
P-5	Passenger Itinerary		CRQ 0001
P-6	Boarding Pass		CRQ 0002
P-7	Credit Card Refund Receipt		CRQ 0003
P-8	Orbitz Travel Document		CRQ 0004-5
P-9	AMR Event Call Center Report of Sally Walling	Deposition Exh. 1	AA 0018-20
P-10	AMR Event Call Center Report of Lois Sargent	Deposition Exh. 5	AA 0012-14
P-11	NASA Aviation Safety Report of Lois Sargent	Deposition Exh. 6	None
P-12	AMR Event Call Center Report of Amy Milenkovic	Deposition Exh. 9	AA 0015-17
P-13	Detail Note, Event ID: 03122856	Deposition Exh. 16	AA 0035
P-14	Letter of June 14, 2004, from Alec Bramlett to Samuel Podberesky	Deposition Exh. 15	AA 0009-11
P-15	Detail Note, Event ID: 03122856. SS CCRO History.	Deposition Exh. 14	AA 0021
P-16	Detail Note, Event ID: 03122856. Activity Note.	Deposition Exh. 11	AA 0022

P-17	Detail Note, Event ID: 03122856. Passenger Name Record.	Deposition Exh. 12	AA 0023-27
P-18	Detail Note, Event ID: 03122856. Event Note	Deposition Exh. 13	AA 0028
P-19	Detail Note, Event ID: 03122856. Notification Note, Aircraft Routing, Crew List, DM Delay Message, Flight/Gate Info, Passenger List	Deposition Exh. 18	AA 0029-34
P-20	Massachusetts State Police Daily Administrative Log	included in Cerqueira Deposition Exh. 21	CRQ 0010
P-21	E-Mail Exchange between AA Customer Relations and John D. Cerqueira	AA 0037 is Cerqueira Deposition Exh. 4	AA 0036-38
P-22	E-mail Message from John D. Cerqueira to American Airlines		CRQ 0007
P-23	American Airline's E-mail Message to John D. Cerqueira on January 6, 2004	Cerqueira Deposition Exh. 5	CRQ 0008
P-24	Kudwa Hotline Message, September 20, 2001	Second page is Deposition Exh. 4	AA 0047-48
P-25	DOT message to airlines, September 21, 2001		AA 0050 (also CRQ 0060)
P-26	DOT guidance on nondiscrimination		CRQ 0058-59 (also AA 0051- 53)
P-27	Kudwa messages to pilots	Deposition Exh. 10	AA 0056-0057
P-28	"Dear Crewmember" letter dated June 26, 2002	Deposition Exh. 19	AA 0096
P-29	Kudwa Hotline Message, August 12, 2002	Deposition Exh. 17	AA 0097-98
P-30	DOT policy statements and guidance regarding unlawful discrimination		CRQ 0058-61
P-31	Documents re: DOT Enforcement Proceeding, OST No. 2003-15046		CRQ 0062-133

P-32	Blumenthal Curriculum Vitae	Blumenthal Deposition Exh. 1	CRQ 0448-451
P-33	Psychiatry Referral	Blumenthal Deposition Exh. 2	CRQ 0165
P-34	Faulk Curriculum Vitae	Faulk Deposition Exh. 1	CRQ 0446-447
P-35	Medical Records	Faulk Deposition Exh. 2	CRQ 0166-174, 453-456
P-36	Prescription Records		CRQ 0469- 0476
P-37	Insurance Notices		CRQ 0212-216, 218, 220-223
P-38	2002 Tax Return		CRQ 0331-359
P-39	2003 Tax Return	Cerqueira Deposition Exh. 23	CRQ 0360-380
P-40	2004 Tax Return	Cerqueira Deposition Exh. 24	CRQ 0381-395
P-41	2005 Tax Return		CRQ 0457-468